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24 April 1916 W.S.

## STATE LIBRARY OF MASSACHUSETTS.

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### THE SCOPE OF THE LIBRARY.

The Board of Trustees of the State Library, in their annual report for 1910, set forth their understanding of the scope of the library, for the purpose for which it was established by the General Court, as follows: —

1. *Statutes and Reports.* — The library should possess the laws and the judicial decisions of the United States, the several States and territories; the laws and the judicial decisions of Great Britain and her colonies and dependencies; and the statute law, at least, of all the other countries of the civilized world. Digests, revisions and compilations of the laws and reports naturally have their place with this collection, as also the journals and debates of the constitutional conventions. The library's collection in this line to-day is unique. It should be kept strictly up to date, and gaps and deficiencies supplied whenever opportunity offers.

2. *Public Records.* — The library should contain the congressional and public documents of the United States and of the several States; the parliamentary reports, *i.e.*, the sessional papers of Great Britain and selected departmental reports of her colonies and dependencies. The library possesses most of these. The public records and the legislative journals of the larger foreign countries also have their legitimate place in such a collection; the library possesses a limited number of the foreign journals. Every effort should be made to perfect these public records where incomplete, and they should be continued as issued.

3. *New England.* — The library has a large collection of material relating to New England, and especially to Massachusetts as colony, province and commonwealth. This material includes history, biography, genealogy, town reports, maps and newspapers. All possible additions should be made

to this collection so far as items relating to Massachusetts are concerned, and a careful selection of material relating to the other New England States should be included as far as practicable within a reasonable limit of expense.

4. *Miscellaneous.* — The collection under this head should make provision for special limited libraries for each department of government, executive, judicial and legislative; not every book published, of course, relating to the subjects which might be of conceivable service, but a carefully made selection. In addition to the statute and law reports, there should be at the service of the Attorney-General's office, as well as for the General Court, a carefully chosen library of the standard and universally used legal textbooks and law periodicals. The executive, legislative and other State departments, and the various boards, commissions and committees, should find in the library a fair selection of the latest and best material relating to government, and to social and political science; the standard works on finance, taxation and banking; books relating to agriculture and horticulture; collections relating to pedagogy and education; the literature of penology, charities, social reform, State industries, civic development and betterment; the standard histories; books relating to the social and political development of other States and countries; publications of historical societies of national standing; political biographies; and the important standard periodicals. The class of books known as "works of reference" should be complete, including encyclopædias, dictionaries, gazetteers, atlases and the various indexes and guides to the use of books in the fields of State and political activity above indicated.

The fourth annual report of the trustees for the fiscal year ending Nov. 30, 1913, contains a brief account of the history and development of the State Library. In the appendix to the same report will be found the statutory history of the library. See also pages 286 and 287 of the report prepared by the Commission on Economy and Efficiency, published November, 1914, entitled "Functions, organization and administration of the departments in the executive branch of the State government."

PRIVILEGES OF STATE OFFICIALS AND LEGISLATORS IN  
OTHER LIBRARIES.

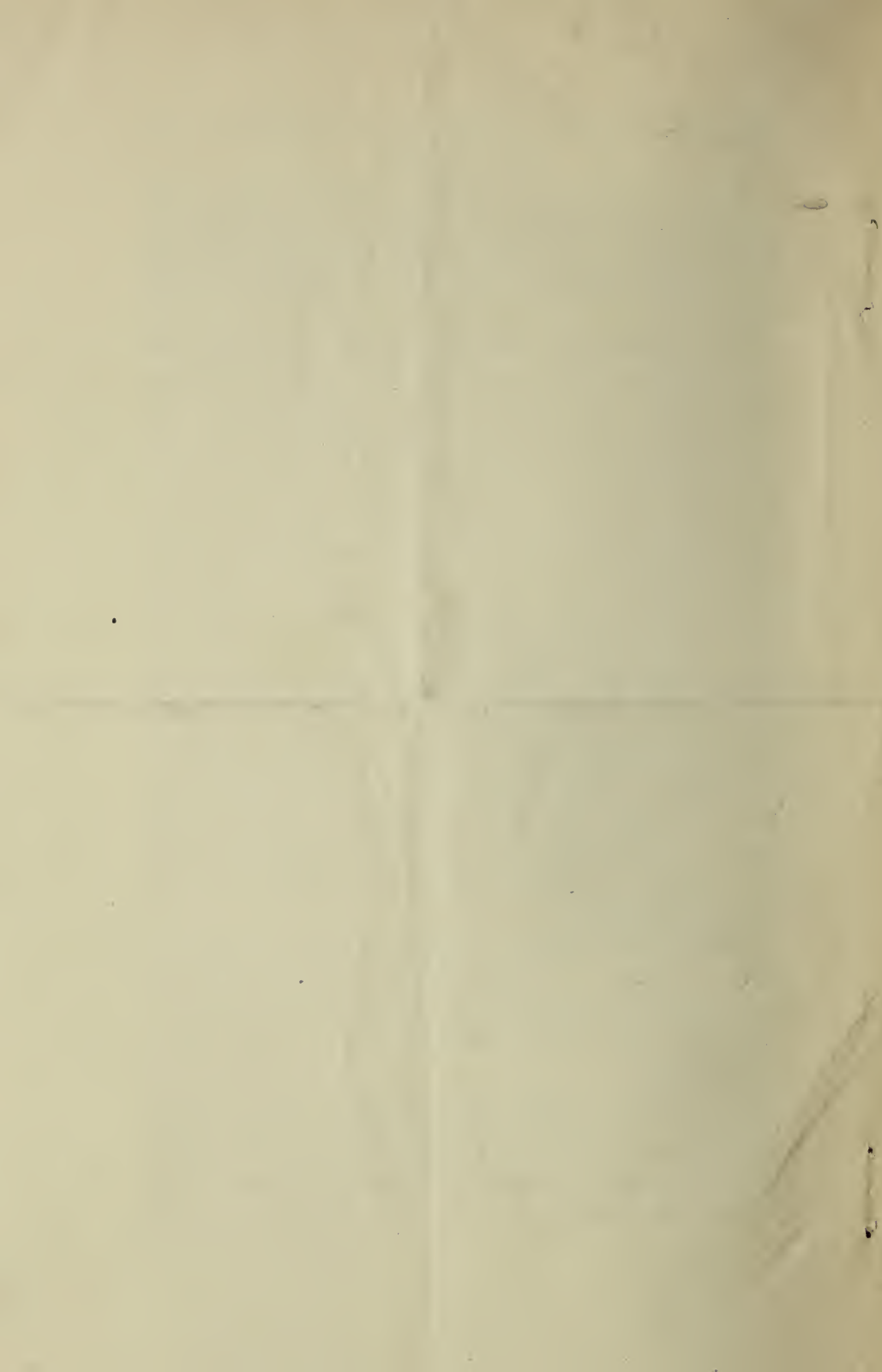
*Massachusetts Historical Society.* — Section 6 of the act of Feb. 19, 1794, incorporating the Massachusetts Historical Society, provides that "either branch of the legislature shall and may have free access to the library and museum of said society."

*Boston Athenæum.* — Section 5 of the act of Feb. 13, 1807, incorporating the Proprietors of the Boston Athenæum, provides that "the governor, the lieutenant-governor, the members of the council, of the senate and of the house of representatives, for the time being, shall have free access to the library of the said corporation, and may visit and consult the same at all times, under the same regulations as may be provided by the by-laws of said corporation for the proprietors thereof."

*Social Law Library.* — Section 5 of the act of Oct. 21, 1814, incorporating the Proprietors of the Social Law Library, provides that "the governor, lieutenant-governor, and the members of the council of this commonwealth, at all times, and the members of the senate, and house of representatives, during any session of the general court, shall have free access to, and the full and entire use and enjoyment of the said library, and all the privileges and advantages thereof, free of expense, under the same regulations as may be provided by the by-laws of the said corporation, for the proprietors thereof."

*Boston Public Library.* — Section 1 of the act of April 22, 1880, in relation to the public library of the city of Boston, in Copley Square, provides that "all the citizens of the commonwealth shall have the perpetual right of access thereto, free of charge."

By arrangement with these libraries and the university libraries in Cambridge, an interchange of loans is possible, making the number of books available for the use of the State officers and the Legislature of Massachusetts one of the largest in the world.



REPORT TO THE GOVERNOR OF THE COMMONWEALTH AND  
THE BOARD OF TRUSTEES OF THE STATE LIBRARY OF  
THE COMMITTEE WHICH RECENTLY VISITED MADISON,  
WISCONSIN, TO EXAMINE THE LEGISLATIVE REFER-  
ENCE BUREAU AND BILL DRAFTING DEPARTMENT.

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**MASSACHUSETTS STATE LIBRARY.**

Massachusetts Revised Laws, Chap. 10, Sec. 23, reads as follows:—

“ There shall be a state library in the state house which shall be kept open every day except Sundays and legal holidays for the use of the governor, lieutenant governor, council, general court and such officers of the government and other persons as may be permitted to use it.”

The state library is not therefore a general public library but is a reference library, chiefly designed for the use of the executive and legislative branches of the government. For this reason it is appropriately located in the state house.

The people of Massachusetts are well served by the various public and private libraries scattered throughout the Commonwealth. No city in the nation is better served in this respect than is the City of Boston. We believe therefore that the state library should confine itself to the function for which it was created. It should not be permitted to develop into a general public library, involving the room and expense demanded by such an institution.

In the main the state library has confined itself to its proper function. It is especially rich in its collections of material in the field of legislation, taken in the broadest sense. This should be supplemented by the gathering of the very valuable material, ephemeral in character, but containing information not otherwise available. Mr. Clarence B. Lester, until recently librarian of the legislative reference section of the New York State Library, and now connected with the Wisconsin legislative reference bureau, concurs in this opinion.

With such matter as the library already possesses, together with such matter as it is its policy to collect, our state library is and will continue to be well equipped to fulfill its purpose. The real problem is how to make the material which it possesses readily available to legislators.

**WISCONSIN.**

With this problem in mind, at the request of the governor and of the trustees of the library, your committee visited Madison, Wisconsin, and examined the Wisconsin legislative reference bureau and bill drafting department. We found there an elaborate system for collecting and cataloguing material on subjects of interest to legislators, and a department for drafting bills.



## **LEGISLATIVE REFERENCE BUREAU.**

The Wisconsin legislative reference bureau has practically no books. By a system of clippings, typewritten extracts from books, and cataloguing, this bureau brings together, in a compact form, matter on many subjects of special interest to legislators, which matter, upon request can be immediately produced. The cost of the Wisconsin legislative reference bureau, including the bill drafting department, is about \$22,000. That such a degree of success is possible as has been attained in Wisconsin on this amount, Dr. McCarthy attributes in no small part to the co-operation of the professors of the State University, to the availability of student workers, and the proximity of the State Law Library and the State Historical Society Library. Located elsewhere or run on a commercial basis he has stated that he should want \$40,000 annually. The cost of the Massachusetts state library, including the legislative reference room, is \$27,510, of which \$10,000 is spent for books and other printed material.

Our state library already has a legislative reference department which is freely used. With the exception of letters, newspaper clippings and material of an ephemeral nature, all of the matter furnished to Wisconsin legislators can be furnished by our library to Massachusetts legislators, but not so quickly nor in so compact and convenient a form. On the other hand, because of our rich collections of books and other printed matter, much valuable material can be produced here which cannot, so readily, be produced in Wisconsin.

We have come to the conclusion that what is needed in Massachusetts is not the elaborate system in Wisconsin of clippings, extracts, and cataloguing on every conceivable subject of interest to legislators, some of which matter is never called for, but rather one or two more competent male reference assistants, familiar with the resources of our library whose duty it shall be to assist legislators in getting what they want within a reasonable time and in a convenient form. Of course, when matter on any subject has once been collected for a legislator it could be so catalogued and preserved that the work need not be done over if such matter were again called for. With the present force at our library perhaps one competent legislative librarian could do this work.

## **CARD CATALOGUE.**

A prerequisite for this work, and in fact a necessity in every well equipped library, is a thoroughly scientific, modern public card catalogue. Money spent in piling up material without such a catalogue is largely wasted.

## **BILL DRAFTING DEPARTMENT.**

In her bill drafting department Wisconsin employs, while the legislature is in session, three or four competent and experienced lawyers, with stenographers and proofreaders, to assist legislators in preparing bills. These

men are supposed not to furnish ideas but merely to put matter for legislation in proper form, with special reference to existing law and to the constitution.

This department is under criticism in Wisconsin. It is called the "bill factory." Its opponents claim that it so facilitates the production of bills that it multiplies the matters submitted to the legislature. This objection did not impress us when we learned that only about 1,700 matters are presented to the legislature of Wisconsin once in two years, while here in Massachusetts, where no such elaborate department exists, over 3,000 matters are presented every year.

Another more serious criticism is that the bill drafting department, acting in conjunction with university professors, interferes with legislation and takes the initiative in suggesting legislation. Although in the past this may have been true to some degree, still we found that the department disclaimed any interference in matters of legislation and that its rules distinctly forbid the furnishing of ideas to legislators or any other form of initiative. The purpose of the bill drafting department is merely to assist such legislators, as may seek its assistance, in drafting bills to incorporate their own ideas.

In Massachusetts we already have two lawyers engaged at public expense in such work, namely, the clerks of the Senate and House Committees on Rules. These men assist legislators in the preparation of bills and assist also the committees on bills in the Third Reading of the House and Senate respectively.

We believe that this work is useful and important. If it is to be properly done in Massachusetts, a room should be furnished adjoining the legislative reference room. The legal assistants now engaged in this work should occupy such room and should be furnished with clerical assistants. There should be close co-operation between the bill drafting department and the legislative reference bureau, but we believe that these departments should be entirely distinct. The reference room should be under the control of the state librarian, and the bill drafting department under the control of the legislature.

It should be the function of the bill drafting department to assist legislators in drafting bills, as at present, but more especially this department should be charged with the duty of examining every bill which is to be reported favorably by a legislative committee, before it is submitted to the legislature. It should also, as at present, assist the committees on bills in the Third Reading.

### RECOMMENDATIONS.

We make the following recommendations:

*First:* That the work now in progress on the state library card catalogue be pushed as fast as practicable and that ample appropriation for this purpose be made.



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*Second:* That the board of trustees of the state library be authorized to employ a competent legislative reference librarian to act as assistant to the state librarian.

*Third:* That a bill drafting department be established under the direct control of the legislature and that for this department a room be furnished adjoining the legislative reference room.

These recommendations suggest nothing new in Massachusetts and involve no great expense. The purpose is simply to organize work already done, systematize it and thus render it more efficient and useful.

JOSEPH WALKER.

HENRY G. WELLS.

CHARLES F. D. BELDEN.

March 5th, 1915.

#### ENDORSEMENTS.

James Bryce, after examining the Wisconsin bill drafting department, endorsed it without reservation, adding that "those who were ultra-conservative would not favor a department for scientific drafting of legislation and have never done so." This seems to have been the experience of Wisconsin.

A resolution passed by the American Bar Association in 1913 put the matter tersely — "Resolved, that in the opinion of the Association, an official legislative drafting and reference service, when properly organized and directed, forms an efficient agency tending to prevent the enactment of unconstitutional, obscure and otherwise defective statutes and to secure the utmost brevity and simplicity, consistent with accuracy, in the language of statutes, and we hereby recommend the establishment and generous support of such service at Washington and in those states not now having such service."

The Montana Bar Association recently pointed out that — "the time of the court is consumed in hearing discussions upon statutory enactments and determining what law is in force and what has been repealed."

In 1913, the Chamber of Commerce of the United States favored the establishment of a bill drafting department by a referendum vote of 625 to 16.

President Wilson says: — "I can only say that it seems to me highly important that a legislative reference department should be established in the Congressional Library. The experience of several of our states in this matter is conclusive as to the great usefulness of such a department. Indeed, I think if once established, everyone who had any knowledge of it would deem it indispensable."